

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DEMETRIUS WRIGHT,  
LUIS VELEZ,

Plaintiffs, on  
on behalf of themselves and all others similarly situated,

Civil Action No.: 08CV3172  
(DC)(ECF)

**AFFIDAVIT OF**  
**DEMETRIUS WRIGHT**

-against-

BRAE BURN COUNTRY CLUB, INC.,  
STEVEN VANDO, individually and as General Manager  
of Brae Burn Country Club,  
MARIA CONTE, individually and as Controller  
of Brae Burn Country Club,

Defendants.

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DEMETRIUS WRIGHT, being sworn states:

1. I am a Plaintiff in the instant action, and a former, full-time employee of Defendant Brae Burn Country Club ("Brae Burn") as a laundry attendant from April 2006 until April 2007.
2. My employment was covered by a collective bargaining agreement between my union, Local 32BJ, SEIU; and Brae Burn.
3. I was paid \$9.00 per hour from the beginning of my employment until my rate increased to \$9.40 per hour in March 2007.
4. Throughout my tenure, I worked long hours, some of which occurred before I punched in or after I punched out.
5. Our supervisors gave us unclear directions about schedules and time clock procedures.

6. I often worked twelve (12) hour days, including split shifts or double shifts.
7. During my tenure I sometimes suspected I had worked more hours than I was paid for, and upon comparing my paystubs and timecards, there are substantial hours on the latter that do not appear on the former, and some dates have no punch in or punch out time. (Attached as Exhibit "1").
8. Some of the attached time records show that Defendant Brae Burn's management crossed out entries and entered their own.
9. I sometimes got called in to work on my days off.
10. Also throughout my tenure, Defendant Brae Burn provided me and other employees with residences with utilities, and often two meals per day – lunch and/or dinner, at various times depending on daily workload.
11. The meals we ate sometimes consisted of surplus food that was for Brae Burn's members that had been served on that date and time.
12. My duties sometimes required me to work through meal and break periods.
13. Sometimes I worked the same shifts as Luis Velez, and sometimes I ate meals with him.
14. During my tenure, I saw and heard my co-workers, including Luis Velez, receive similar treatment by Brae Burn.
15. I was sexually harassed by a co-worker while working at Brae Burn, and when I reported it to management, it did nothing.
16. As a result, after my tenure, I filed a charge of discrimination with the EEOC against Brae Burn.

17. The charge of discrimination was settled for \$7500.00 and I signed a settlement agreement and release.

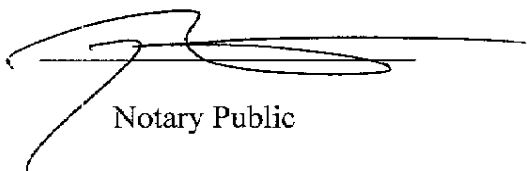
18. I filed the instant action in March of 2008.



Demetrius Wright

Sworn to before me this 3rd

day of SEPT. 2008



Notary Public

**Roland G. Ottley**  
Notary Public State Of New York  
Qualified in Kings County  
# 02076129087 commission Exp. 06-20-09

**EXHIBIT 1**

**EXHIBIT 1**

CO. FILE DEPT. CLOCK NUMBER 040  
FPB 090542 320 0041710452 1

*BRAE BURN COUNTRY CLUB  
BRAE BURN DRIVE  
PURCHASE, NEW YORK 10577  
PAYROLL ACCOUNT*

Taxable Marital Status: Single  
Exemptions/Allowances:  
Federal: 3  
State: 3

Social Security Number: XXX-XX-6575

<b>Earnings</b>	rate	hours	this period	year to date
Regular	9.0000	40.00	360.00	
Overtime	13.5000	19.50	263.25	
<b>Gross Pay</b>			<b>\$623.25</b>	8,086.50

<b>Deductions</b>	<b>Statutory</b>		
	Federal Income Tax	-50.21	672.00
	Social Security Tax	-38.64	501.36
	Medicare Tax	-9.03	117.25
	NY State Income Tax	-21.92	294.71
	NY SUI/SDI Tax	-0.60	7.80
<b>Other</b>			
	Dues		84.00
<b>Net Pay</b>		<b>\$502.85</b>	

Your federal taxable wages this period are \$623.25

## Earnings Statement



Period Ending: 07/23/2005  
Pay Date: 07/27/2005

**DEMETRIUS WRIGHT**  
**17 SOUTH SECOND AVE**  
**NEW YORK, NY 10550**

Demetrius Wright  
July 23, 2006

NAME

PAY PERIOD ENDING

SIGNATURE

TOTAL HOURS		OFFICE USE	DATE AND TIME	PAYABLE TIME
R.T.	O.T.			
40	19 1/2	9 1/2	JUL18 8:16AM *IN* TUE	
			JUL18 6:45PM 10:30 10:30	
			JUL19 8:06AM *IN* WED	
			JUL19 7:05PM 11:00 21:30	
		10	JUL20 8:23AM *IN* THU	
			JUL21 8:12AM *IN* FRI	
			JUL22 8:16AM *IN* SAT	
		10	JUL23 7:54AM *IN* SUN	
		10		
		10		
		10		

IMPORTANT: Duplicate card numbers must NOT  
be used within a pay period

CO. FILE DEPT. CLOCK NUMBER 040  
 FPB 090542 320 0041745356 1

BRAE BURN COUNTRY CLUB  
 BRAE BURN DRIVE  
 PURCHASE, NEW YORK 10577  
 PAYROLL ACCOUNT

Taxable Marital Status: Single  
 Exemptions/Allowances:  
 Federal: 3  
 State: 3

Social Security Number: XXX-XX-6575

<u>Earnings</u>	<u>rate</u>	<u>hours</u>	<u>this period</u>	<u>year to date</u>
Regular	9.0000	40.00	360.00	
Overtime	13.5000	18.50	249.75	
<b>Gross Pay</b>			<b>\$609.75</b>	9,454.50

<u>Deductions</u>	<u>Statutory</u>		
	Federal Income Tax	-48.19	790.65
	Social Security Tax	-37.81	586.18
	Medicare Tax	-8.84	137.09
	NY State Income Tax	-20.99	346.86
	NY SUI/SDI Tax	-0.60	9.00
	<b>Other</b>		
	Dues	-28.00	112.00
<b>Net Pay</b>		<b>\$465.32</b>	

Your federal taxable wages this period are \$609.75

## Earnings Statement



Period Ending: 08/06/2006  
 Pay Date: 08/10/2006

DEMETRIUS WRIGHT  
 17 SOUTH SECOND AVE  
 NEW YORK, NY 10550

Demetrius Wright

August 6, 2006

NAME

PAY PERIOD ENDING

SIGNATURE

TOTAL HOURS		OFFICE USE	DATE AND TIME	PAYABLE TIME
R.T.	O.T.			
40	18 <sup>h</sup>	8	AUG 1 9:05AM *IN* TUE	9.5
			AUG 1 5:23PM 8:30 8:30	
		11	AUG 2 7:44AM *IN* WED	13.75
			AUG 2 9:12PM *IN* WED	
		8	AUG 3 8:22AM 11:00 19:30	9.75
			AUG 3 6:18PM *IN* THU	
		10	AUG 4 8:08AM *IN* FRI	10.3
			AUG 4 6:28PM 10:15 29:45	
		12	AUG 5 7:47AM *IN* SAT	14.25
			<del>AUG 5 10:00</del>	
		9 1/2	AUG 6 7:34AM *IN* SUN	10.5
			AUG 6 6:09PM 10:45 40:30	

IMPORTANT: Duplicate card numbers must NOT be used within a pay period



CO. FILE DEPT. CLOCK NUMBER 010  
 FPB 090542 320 0041762335 1

BRAE BURN COUNTRY CLUB  
 BRAE BURN DRIVE  
 PURCHASE, NEW YORK 10577  
 PAYROLL ACCOUNT

Taxable Marital Status: Single  
 Exemptions/Allowances:  
 Federal: 3  
 State: 3

Social Security Number: XXX-XX-6575

Earnings	rate	hours	this period	year to date
Regular	9.0000	40.00	350.00	
Overtime	13.5000	5.50	74.25	
<b>Gross Pay</b>			<b>\$434.25</b>	9,888.75

Deductions	Statutory		
Federal Income Tax	-21.86		812.51
Social Security Tax	-26.92		613.10
Medicare Tax	-6.30		143.39
NY State Income Tax	-10.37		357.23
NY SUI/SDI Tax	-0.60		9.60
<b>Other</b>			
Dues			112.00
<b>Net Pay</b>		<b>\$368.20</b>	

Your federal taxable wages this period are \$434.25

## Earnings Statement



Period Ending: 08/13/2006  
 Pay Date: 08/17/2006

DEMETRIUS WRIGHT  
 17 SOUTH SECOND AVE  
 NEW YORK, NY 10550

Demetrius Wright  
August 13, 2006

17

NAME \_\_\_\_\_ PAY PERIOD ENDING \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TOTAL HOURS	OFFICE	DATE AND TIME	PAYABLE
R.T.   O.T.	USE		TIME
40   5 1/2	8	AUG 9 7:32AM *IN* WED	9.5
RATE		AUG 10 7:36AM *IN* THU	10
AD		AUG 10 5:38PM 10:15 10:15	12
AMOUNT	9	AUG 11 7:23PM *IN* FRI	
EARNINGS		AUG 12 7:21PM *IN* SAT	
DEDUCTIONS	8 1/2	AUG 12 8:27PM *IN* SAT	11
BALANCE		AUG 13 7:33AM 11:00 21:15	
	10		
	10		

IMPORTANT: Duplicate card numbers must NOT be used within a pay period

CO. FILE DEPT. CLOCK NUMBER 040  
 FPB 090542 320 0041778900 1

*BRAE BURN COUNTRY CLUB  
 BRAE BURN DRIVE  
 PURCHASE, NEW YORK 10577  
 PAYROLL ACCOUNT*

Taxable Marital Status: Single  
 Exemptions/Allowances:  
 Federal: 3  
 State: 3

Social Security Number: XXX-XX-6575

<b>Earnings</b>	rate	hours	this period	year to date
Regular	9.0000	40.00	360.00	
Overtime	13.5000	13.50	182.25	
<b>Gross Pay</b>			<b>\$542.25</b>	10,431.00

<b>Deductions</b>	Statutory		
	Federal Income Tax	-38.06	850.57
	Social Security Tax	-33.62	646.72
	Medicare Tax	-7.86	151.25
	NY State Income Tax	-16.70	373.93
	NY SUI/SDI Tax	-0.60	10.20
<b>Other</b>			
	Dues	-4.00	116.00
<b>Net Pay</b>		<b>\$441.41</b>	

Your federal taxable wages this period are \$542.25

## Earnings Statement



Period Ending: 08/20/2006  
 Pay Date: 08/24/2006

**DEMETRIUS WRIGHT  
 17 SOUTH SECOND AVE  
 NEW YORK, NY 10550**

Demetrius Wright  
August 20, 2006

NAME PAY PERIOD ENDING

SIGNATURE

TOTAL HOURS R.T. O.T.	OFFICE USE	DATE AND TIME	PAYABLE TIME
40 1 1/2	8	AUG15 7:54AM *IN* TUE	
10	8	AUG15 7:30AM *IN* WED	
AMOUNT	9 1/2	AUG17 8:59AM *IN* THU	
EARNINGS	8	AUG18 7:51AM *IN* FRI	
DEDUCTIONS	8	AUG19 8:00AM *IN* SAT	
BALANCE	8	AUG19 8:07PM 8:45 8:45	
	10	AUG20 7:52AM *IN* SUN	
	10	AUG20 8:04PM 12:15 21:00	

IMPORTANT: Duplicate card numbers must NOT  
be used within a pay period

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CO. FILE DEPT. CLOCK NUMBER 040  
FEB 090542 320 0041827.09 1

BRAE BURN COUNTRY CLUB  
BRAE BURN DRIVE  
PURCHASE, NEW YORK 10577  
PAYROLL ACCOUNT

Taxable Marital Status: Single  
Exemptions/Allowances:  
Federal: 3  
State: 3

**Earnings Statement**  
Period Ending: 09/10/2006  
Pay Date: 09/14/2006  
DEMETRIUS WRIGHT  
17 SOUTH SECOND AVE  
NEW YORK, NY 10550

Social Security Number: XXX-XX-6675

Earnings	rate	hours	this period	year to date
Regular	9.0000	40.00	360.00	
Overtime	13.5000	14.00	189.00	
Hol			8.00	
<b>Gross Pay</b>			<b>\$557.00</b>	<b>12,072.50</b>

**Deductions**

Federal Income Tax	-40.28	966.98
Social Security Tax	-34.54	748.50
Medicare Tax	-8.08	175.05
NY State Income Tax	-17.57	424.89
NY SUI/SDI Tax	-0.60	12.00

Other		
Dues	-29.00	145.00
<b>Net Pay</b>		<b>\$428.93</b>

Your federal taxable wages this period are \$557.00

Demetrius Wright  
September 10, 2006

NAME	PAY PERIOD ENDING
SIGNATURE	

TOTAL HOURS	OFFICE	DATE AND TIME	PAYABLE
R.T. O.T.	USE		TIME
40 14	10	SEP 4 10:00AM *1H* MON	1.2
RATE 8.10	10	SEP 4 9:53PM *1H* MON	
AMOUNT 100	8	SEP 6 8:05AM *1H* MED	9.75
EARNINGS	8	SEP 6 4:44PM 8:45 9:45	
DEDUCTIONS	8	SEP 7 8:22AM *1H* THU	9.25
BALANCE	8	SEP 7 4:31PM 8:15 19:00	
	8	SEP 8 8:45AM *1H* FRI	10.25
	8	SEP 8 6:05PM 10:15 29:15	
	8	SEP 9 8:05AM *1H* SAT	12.75
	8	SEP 9 8:00PM 12:00 42:00	12.75
	8	SEP 10 7:57AM *1H* SUN	
	8	SEP 10 8:00PM 12:00 54:45	12.75

IMPORTANT: Duplicate card numbers must NOT be used within a pay period